

**PIONEER HI-BRED INTERNATIONAL, INC.
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

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Phone: (515) 253-5707
Fax: (515) 334-6883

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JUN 16 2004

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TO: EXAMINER STUART F. BAUM
FROM: KATHRYN LAPPEGARD
RE: U.S. PATENT APPLICATION SERIAL NO. 09/718,754
ATTORNEY DOCKET NO. 1189EE
DATE: 06/16/04 FAX NUMBER: (571) 272-0792
(703) 872-9306

NUMBER OF PAGES FOLLOWING THIS SHEET: 15

COMMENTS: Examiner Baum requested that the following documents be re-faxed to his attention and to the central fax number as he never received them.

TRANSMISSION INCLUDES THE FOLLOWING:

Copy of Auto-Reply Facsimile Transmission (1 Page)
Copy of PHI Transmittal Report (1 Page)
Original Fax Transmission Cover Page (1 Page)
Certificate of Transmission (1 Page)
RCE Transmittal (1 Page)
Fee Transmittal (1 Page)
Petition for Extension of Time (1 Page)
Amendment (8 Pages)

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TO: Fax Sender at 515 334 6883
Fax Information
Date Received: 4/19/2004 2:14:20 PM [Eastern Daylight Time]
Total Pages: 13 (including cover page)

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Received
Cover
Page
=====>

06/16/04 WED 08:27 FAX 515 334 6883 PIONEER HI-BRED DSM 2002

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APR 21 2004

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CORPORATE INTELLECTUAL PROPERTY DEPARTMENT

FAX TRANSMISSION

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P.O. Box 1000
Johnston, Iowa 50131-1000

Phone: (515) 253-5707
Fax: (515) 334-6883

TO: MAIL STOP RCE
COMMISSIONER FOR PATENTS
U.S. PATENT AND TRADEMARK OFFICE

FROM: KATHRYN LAPPEGARD

RE: U.S. PATENT APPLICATION SERIAL NO. 09/718,754
ATTORNEY DOCKET NO. 1109EE

DATE: 04/19/04 FAX NUMBER: (703) 872-8306

NUMBER OF PAGES FOLLOWING THIS SHEET: 12

COMMENTS:

TRANSMISSION INCLUDES THE FOLLOWING:

- Certificate of Transmission (1 Page)
- RCE Transmittal (1 Page)
- Fee Transmittal (1 Page)
- Petition for Extension of Time (1 Page)
- Amendment (8 Pages)

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PAGE 013 * RCVD AT 4/16/2004 2:14:20 PM [Eastern Daylight Time] * SVR:USPTO-EFXXRF-1/1 * DNIS:8729306 * CSID:515 334 6883 * DURATION (mm-ss):04:46

06/16/04 WED 08:28 FAX 515 334 6883
04/19/04 MON 13:18 FAX 515 334 6883

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003
REV. 1

*** TX REPORT ***

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TRANSMISSION OK

TX/RX NO 4962
CONNECTION TEL 917038729306
SUBADDRESS
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ST. TIME 04/19 13:14
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PGS. 13
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PTO/SB/97 (08-03)

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Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile
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on April 19, 2004.

Date


Signature

Kathryn K. Lappegard

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this
certificate must identify each submitted paper.

- 1) RCE Transmittal/1 Page (1 copy)
- 2) Fee Transmittal / 1 Page (1 copy)
- 3) Petition for Extension of Time / 1 Page (1 copy)
- 4) Amendment / 8 Pages (1 copy)

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This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Request For Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/718,754
Filing Date	11/22/2000
First Named Inventor	Kathryn K. Lappegard
Art Unit	1638
Examiner Name	Baum, Stuart F.
Attorney Docket Number	1189EE

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 C.F.R. 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

- a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☒ Other Fee Transmittal; Petition for Extension of Time

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. 1.17(f) required)
- b. ☐ Other _____

3. **Fees** The RCE fee under 37 C.F.R. 1.17(e) is required by 37 C.F.R. 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments.
- Deposit Account No. 16-1852
- i. ☒ RCE fee required under 37 C.F.R. 1.17(e)
- ii. ☒ Extension of time fee (37 C.F.R. 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

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DOCKETED

APR 21 2004

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Kathryn K. Lappegard	Registration No. (Attorney/Agent)	46,857
Signature	<i>Kathryn K. Lappegard</i>	Date	April 19, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below:

Name (Print /Type)	Kathryn K. Lappegard
Signature	<i>Kathryn K. Lappegard</i>
Date	April 19, 2004

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1720

Complete if Known

Application Number 09/718,754
 Filing Date 11/22/2000
 First Named Inventor Kathryn K. Lappegard
 Examiner Name Baum, Stuart F.
 Art Unit 1838
 Attorney Docket No. 1189EE

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None
 Order

☒ Deposit Account

Deposit
Account
Number 16-1852

Deposit
Account
Name Pioneer Hi-Bred International, Inc.

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	150	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$ 0)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
20 **	0	0	0
Independent Claims	3 **	0	0
Multiple Dependent			0

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	86	2201	43	Independent claims in excess of 3	
1203	250	2203	145	Multiple dependent claim, if not paid	
1204	86	2204	43	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$ 0)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	2053	65	Non-English specification	
1812	2,520	2812	1,260	For filing a request for reexamination	
1804	920*	2804	460*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	2805	920*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	850	2253	425	Extension for reply within third month	950
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	2451	755	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1400	130	2400	65	Petitions to the Commissioner	
1807	50	2807	25	Processing fee under 37 CFR 1.17 (q)	
1805	180	2805	90	Submission of Information Disclosure Stmt	
8021	40	2821	20	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	770
1802	900	2802	450	Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 1720)

SUBMITTED BY

Name (Print/Type)	Registration No. (Attorney/Agent)	Telephone
Kathryn K. Lappegard	48,857	(515) 203-6707
Signature	Date	
<i>Kathryn K. Lappegard</i>	April 19, 2004	

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)	Docket Number (Optional) 1189EE
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In re Application of Kathryn K. Lappegard et al.

Application Number 09/718,754

Filed 11/22/2000

For Seed-Preferred Regulatory Elements and Uses Thereof

Art Unit 1638

Examiner Baum, Stuart F.

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.

The requested extension and appropriate non-small-entity fee are as follows (check time period desired):

- ☐ One month (37 CFR 1.17(a)(1)) \$ _____
☐ Two months (37 CFR 1.17(a)(2)) \$ _____
☒ Three months (37 CFR 1.17(a)(3)) \$950.00
☐ Four months (37 CFR 1.17(a)(4)) \$ _____
☐ Five months (37 CFR 1.17(a)(5)) \$ _____
- ☐ Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee amount shown above is reduced by one-half, and the resulting fee is: \$ _____.
☐ A check in the amount of the fee is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director has already been authorized to charge fees in this application to a Deposit Account.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number 16-1852.

I have enclosed a duplicate copy of this sheet.

I am the ☐ applicant/inventor.

☐ assignee of record of the entire interest. See 37 CFR 3.71

Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

☒ attorney or agent of record. Registration Number 46,857

☐ attorney or agent under 37 CFR 1.34(a).

Registration number if acting under 37 CFR 1.34(a): _____

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April 19, 2004

Date

(515) 253-5707

Telephone Number


Signature

Kathryn K. Lappegard

Typed or printed name

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

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